

REMARKS

In the application claims 43-74 remain pending. Claims 1-42 have been canceled without prejudice and claims 43-47 have been added by amendment. Support for the claims as added may be found in the specification, figures, and claims as originally filed and, as such, no new matter has been added.

In the Office Action, originally filed claims 1-20, 25-28, 30-31, 33-35, 40, and 41 were rejected while originally filed claims 21-24, 29, 32, 36-39, and 42 were indicated to contain allowable subject matter.

Since newly presently independent claim 54 includes the subject matter of originally filed claim 21 rewritten in independent form, newly presented claim 58 includes the subject matter of originally filed claim 29 rewritten in independent form, newly presented claim 62 includes the subject matter of originally filed claim 36 rewritten in independent form, and newly presented claim 66 includes the subject matter of originally presented claim 42 rewritten in independent form, it is respectfully submitted that these claims and the claims which depend thereon should be deemed to be allowable.

It is further respectfully submitted that newly presented claims 43 and 67, and the claims which depend thereon, should also be deemed to be allowable.

Turning to Lin (U.S. Patent No. 6,633,281), which is representative of the references of record, there is illustrated and described a controlling device that includes a function key with indicia that informs a user of the function that will be commanded when that function key is actuated, e.g., “ch+” or “ch-” which function keys will command tuning functions of an appliance when actuated. However, when such function

keys are capable of commanding a function *in a plurality of different appliances*, e.g., two or more of TV1, TV2, cable box, and VCR, a user of a Lin-type controlling device is not able to discern from the indicia provided to the function key, e.g., from the “ch+” or “ch-” markings, which one *of the plural different appliances* will, in fact, be commanded when that function key is actuated, i.e., which of TV1, TV2, cable box, or VCR is the intended target of the tuning command. Thus, controlling devices such as described and illustrated in Lin suffer the very problem that is overcome by the invention set forth in claims 43 and 67, and the claims which depend thereon.

To address this problem which often frustrates users of controlling devices such as disclosed in Lin, the claimed invention generally provides a controlling device with a device type indicator that is visually associated with a function key *actuatable to command one or more functions of a plurality of different appliances* which functions to indicate to a user *which one of the plurality of different appliances was selected to be commanded upon actuation of that function key*. That Lin fails to disclose, teach, or suggest these claim elements is evident. It is additionally submitted that no other references of record disclose, teach, or suggest these claim elements. Accordingly, for at least this reason, it is respectfully submitted that the claims should be determined to be allowable.

CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of

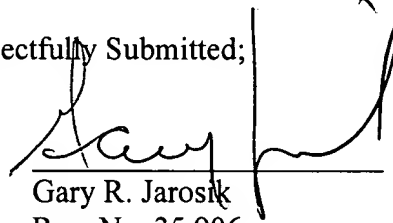
the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

While it is not believed that any fees are due, the Commissioner is authorized to charge any fee deficiency to deposit account 50-2428 in the name of Greenberg Traurig.

Respectfully Submitted;

Date: August 16, 2004

By:

A handwritten signature in black ink, appearing to read 'Gary R. Jarosik', is written over a horizontal line. The signature is stylized with a large 'G' and 'J'.

Gary R. Jarosik

Reg. No. 35,906

Greenberg Traurig, LLP

77 W. Wacker Drive, Suite 2500

Chicago, Illinois 60601

(312) 456-8449